

REMARKS

Claims 51-82 are pending in the present application. Claim 79 has been amended to correct the claim number from which claim 79 depends. The specification has been amended to update the Cross-Reference to Related Applications section.

This paper is filed in response to the Office Action mailed October 12, 2006 that made a restriction requirements between the following groups:

Group I – claims 51-78 drawn to nucleic acids of SEQ ID NO: 48 or 49, and

Group II – claims 79-82 drawn to host cells comprising a nucleic acid which is activated by the protein encoded by the nucleic acids of Group I.

In response to these requirements, Applicants hereby elect with traverse the invention of Group I. Applicants hereby reserve the right to file continuing applications directed to the nonelected subject matter.

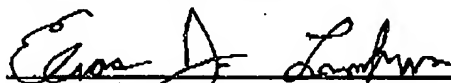
The basis for traverse is that there would not be a serious burden on the examiner if restriction were not required. Both designated inventions are classified in Class 435, subclass 69.1. Indeed, in parent application no. 09/525,305, the inventions of Groups I and II were examined together. Compare claims 1-28 with claims 29-32 of U.S. Patent No. 6,806,062.

Moreover, Applicants submit that claim 51 links Groups I and II. Therefore, upon allowance of the linking claim, the restriction requirement as to the linked inventions should be withdrawn and all claims within the linked inventions should be examined in the instant application.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

Respectfully submitted,

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